

CASE NO.: 50T5713.02  
Serial No.: 10/790,496  
June 11, 2008  
Page 6

PATENT  
Filed: March 1, 2004

### Remarks

Reconsideration of the application is requested. The dependency of Claim 17 has been corrected as required by the examiner, and amendments have been effected herein to account for the Superguide case by clarifying that only one of a group, instead of each item listed in the group, need limit the scope of the claim.

### Grounds for Rejection

a. Claims 1-6, 9-15, and 18-23, of which Claims 1, 9, and 18 are independent, have been rejected under 35 U.S.C. §102 as being anticipated by Falvo et al., USPP 2003/0140343.

b. Claims 7, 8, 16, 17, 24, and 25 have been rejected under 35 U.S.C. §103 as being unpatentable over Falvo et al.

### Response to Rejections

#### Anticipation Rejections

The Office Action correctly alleges that in Falvo, "the display devices are connectable to WLAN bridge 330 via *either* twisted pair *or* via RF link, see figure 5" (emphasis mine). Claim 1, however, requires that a component be configured for communicating with the server along a wired path *and also* along a wireless path, and that the server and/or component determines which path to use for communication based on at least one of: a component preference, a bandwidth capability, an occupancy ratio. Thus, since no one display component in Falvo appears to communicate over both a wired and a wireless link as required by Claim 1, there is no reason to undertake the determination in Claim 1 of selecting which path to use, much

11/08-11/LAMJ

CASE NO.: 5015713.02  
Serial No.: 10/790,496  
June 11, 2008  
Page 7

PATENT  
Filed: March 1, 2004

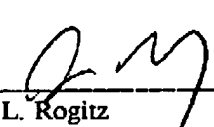
less to undertake the determination using the specific parameters claimed, and not surprisingly Falvo does not teach anything of the sort. The comments above apply *mutatis mutandis* to the other claims rejected under this section.

#### Obviousness Rejections

Indeed, the Office Action admits on page 7 that Falvo fails to disclose determining a path to use based on bandwidth or occupancy ratio, but without any support whatsoever alleges that doing so would have been obvious "to improve the system's performance by avoiding congestion on the link." Not only is this unsupported by evidence of record, but since Falvo's display devices each communicate using and one only one path (wired or wireless), there is no reason to modify Falvo to make a selection that is not possible given Falvo's architecture.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg

1168 111AMD